

ORDINANCE NO. 15-OR0639-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE AMENDING CHAPTER 6, BY ADDING ARTICLE  
XIV OF THE OCEANSIDE CITY CODE TO PROVIDE  
EXPEDITED PERMIT PROCESSING OF SMALL  
RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

WHEREAS, the City Council of the City of Oceanside seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

WHEREAS, the City Council seeks to meet the climate action goals set by the City and the State; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

WHEREAS, it is in the best interest of the public and promotes the health, safety and welfare of its citizens; to provide an expedited permitting process to assure the effective deployment of solar technology.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION I. Chapter 6, Article XIV, is added to read as follows.

6.90(a) Purpose.

This article is intended to decrease dependence upon nonrenewable energy sources by encouraging the installation of devices, structures or materials for the conservation of energy on certain structures within the City. The provisions of this chapter are intended to supplement and not supersede other regulations and requirements imposed by Chapter 6 of this Code.

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1 The purpose of this article is for an expedited, streamlined solar permitting process that  
2 complies with the Solar Rights Act and AB 2188 (2014) amendments to Section 65850.5 of  
3 California Government Code to achieve timely and cost-effective installations of small rooftop  
4 solar energy systems with reasonable restrictions. The use of solar systems is encouraged by  
5 streamlining processes, minimizing costs to property owners and the City, and expanding the  
6 ability of property owners to install solar energy systems while protecting public health and  
7 safety.

8 6.90(b) Application.

9 This article applies to the permitting of small residential solar energy systems in the  
10 City. A small residential solar energy system permitted prior to the effective date of this  
11 section is not subject to these requirements unless physical modifications or alterations are  
12 undertaken that materially change the size, type, or components of a system in such a way as to  
13 require new permitting.

14 6.90(c) Definitions.

15 i. A “solar energy system” consists of a solar collector or other solar energy  
16 device to provide for the collection, storage, and distribution of solar energy for space  
17 heating, space cooling, electric generation, or water heating. A system typically consists  
18 of panels or arrays. A structural design feature of a building may also be included as  
19 part of the system.

20 ii. A “small rooftop solar energy system” is a system that is no larger than 10  
21 kilowatts alternating current nameplate rating or 30 kilowatts thermal. The system shall  
22 conform to applicable building, electrical, plumbing, mechanical, or fire codes as  
23 adopted or amended by the City and State, County and City health and safety standards.  
24 The solar panel or module array shall not exceed the maximum building height as  
25 defined by the zone in the Zoning Ordinance.

26 iii. “Specific, adverse impact” as used in this chapter means a significant,  
27 quantifiable, direct, and unavoidable impact, based on objective, identified, and written  
28 public health or safety standards, policies, or conditions as they existed on the date the  
application was deemed complete.

1           iv.     “Reasonable restrictions” on a solar energy system are those restrictions  
2 that do not significantly increase the cost of the system or significantly decrease its  
3 efficiency or specified performance, or that allow for an alternative system of  
4 comparable cost, efficiency, and energy conservation benefits.

5           v.     “Restrictions that do not significantly increase the cost of the system or  
6 significantly decrease its efficiency or specified performance, or that allow for an  
7 alternative system of comparable cost, efficiency, and energy conservation benefits”  
8 means:

9                     1. For a Water Heater System or a Solar Swimming Pool Heating System:  
10 an amount exceeding 10 percent of the cost of the system, but in no case more than one  
11 thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an  
12 amount exceeding 10 percent.

13                     2. For a Photovoltaic System: an amount not to exceed one thousand  
14 dollars (\$1,000) over the system cost, or a decrease in system efficiency of an  
15 amount exceeding 10 percent.

16 6.90(d)     Solar energy system regulations.

17           i.     A solar energy system shall meet applicable building, electrical, plumbing,  
18 mechanical, and fire codes as adopted or amended by the City.

19           ii.    A solar energy system for heating water in a single-family residence or for  
20 heating water in commercial or swimming pool applications shall be certified by  
21 an accredited listing agency as defined by the California Plumbing and  
22 Mechanical Code.

23           iii. A solar energy system shall meet applicable safety and performance standards  
24 established by the California Electrical Code, the Institute of Electrical and  
25 Electronics Engineers, accredited testing laboratories such as Underwriters  
26 Laboratories and, where applicable, rules of the Public Utilities Commission  
27 regarding safety and reliability.

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1           6.90(e)       Permit review.

2           i.       The building official shall implement an expedited, administrative,  
3 nondiscretionary review process for small rooftop solar energy systems with reasonable  
4 restrictions. Any condition imposed on an application for a system shall be designed to  
5 mitigate a specific, adverse impact upon health and safety at the lowest possible cost.

6           ii.       The building official may require an applicant to apply for a use permit if  
7 the building official makes a finding- based on substantial evidence, that the solar energy  
8 system could have a specific, adverse impact upon the public health and safety. The  
9 building official's decision may be appealed to the Planning Commission. If a use  
10 permit is required, the building official may deny an application for the use permit if a  
11 finding is made, based upon substantial evidence in the record, that the proposed  
12 installation would have a specific, adverse impact upon public health or safety and there  
13 is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact.  
14 The basis for the rejection of potential feasible alternatives of preventing the adverse  
15 impact shall be included in the finding. The decision to deny may also be appealed to  
16 the Planning Commission.

17           iii.       If an application is deemed incomplete, a written correction notice  
18 detailing all deficiencies in the application and any additional information or  
19 documentation required to be eligible for expedited permit issuance shall be sent to the  
20 applicant for resubmission.

21           iv .       Neither the Building Official or the Planning Commission shall condition  
22 approval of an application upon the approval of an association, as defined in Section  
23 4080 of the Civil Code.

24           v.       One inspection shall be required and performed for small rooftop solar  
25 energy systems eligible for expedited review. The inspection shall be done in a timely  
26 manner and should include consolidated inspections. A separate fire inspection may be  
27 performed if necessary. If a small rooftop solar energy system fails inspection, a  
28 subsequent inspection is required.

6.90(f)	<u>Fees.</u>
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Fees for each permit shall be as set for in a resolution adopted by the City Council.

SECTION II. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage a newspaper of general circulation published in the City of Oceanside.

SECTION III. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
California, held on the 7th day of October, 2015 and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the 21st day of October, 2015, by the following vote:

AYES: WOOD, FELLER, KERN, LOWERY, SANCHEZ

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

/s/ Jim Wood  
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

/s/ Holly Trobaugh, Asst.  
CITY CLERK

/s/ John Mullen  
CITY ATTORNEY